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Letter dated 21 November 2007 from the Secretary-General to the President of the Security Council

I have the honour to refer to the joint communiqué signed on 9 November 2007 by the Governments of the Democratic Republic of the Congo and the Republic of Rwanda (see annex). The joint communiqué was agreed to during a meeting in Nairobi, facilitated by the United Nations, on the sidelines of the meeting of the Inter-Ministerial Committee of the International Conference on the Great Lakes Region. It provides a common approach to ending the threat posed by illegal armed groups to peace and stability in both countries and the Great Lakes region.

I should be grateful if you would bring the present letter and the attached joint communiqué to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-60965 (E) 261107

Annex

[Original: English and French]

Joint communiqué of the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda on a common approach to ending the threat posed to peace and stability in both countries and the Great Lakes region

We, the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda, having met in Nairobi on 9 November 2007, have agreed on a common approach to address the threat posed to our common security and stability by the ex-FAR/Interahamwe.[1] The meeting was facilitated by the United Nations, in the presence of the United States and the European Union.

We, consistent with the commitments made in the Lusaka Ceasefire Agreement of 1999, which set out modalities for the disarmament and repatriation of all foreign armed groups, including the ex-FAR/Interahamwe, in the territory of the DRC; the bilateral agreement signed in Pretoria on 30 July 2002 between the Governments of the DRC and Rwanda; the Principles on Good Neighbourly Relations and Cooperation between the DRC and Burundi, Rwanda and Uganda of 25 September 2003; the Pact on Security, Stability and Development in the Great Lakes Region of 15 December 2006; and the various commitments made within the framework of the Tripartite Plus Commission, including the commitments made by the Tripartite-plus Members in Lubumbashi on 8 June 2007 and Kampala on 17 September 2007; to eliminate the threat posed by illegal armed groups through peaceful and military means, taking into account the action plan presented by the Government of the DRC to address the problem of the ex-FAR/Interahamwe on 3 October 2007 and the response and counter-proposal made on this plan by the Government of Rwanda:

Have reiterated the following:

1. Peace and security in the DRC and the Great Lakes region can only be achieved once the threat posed by all foreign and national armed groups in the DRC and their politico-military organizations is addressed;

2. The ex-FAR/Interahamwe constitutes a major threat to peace and security of Rwanda, the DRC, and the countries in the Great Lakes region in general, as well as to the Congolese population;

3. The presence of irregular Congolese armed groups in eastern DRC equally poses a threat to peace and security in the DRC and the entire Great Lakes region;

4. We both reaffirm our commitment to respect and uphold each other's sovereignty, and reiterate our commitment to fully cooperate and implement a common approach to dismantle the ex-FAR/Interahamwe as a genocidal military organization operating in the territory of the DRC;

[1] The term ex-FAR/Interahamwe used in this text shall be understood as referring to all Rwandan armed groups on Congolese soil, irrespective of their denomination (ex-FAR, Interahamwe, ALIR, FDLR, RUD-Unana, Rasta etc).

5. We fully commit to prevent the direct or indirect support — political, material or human — to any national and foreign armed group operating in the DRC;

6. We shall share information, and address issues of common concern through existing mechanisms, in particular the Joint Verification Mechanism and the Tripartite Plus Commission;

7. We shall immediately assign the members to the Joint Verification Teams in Goma and Gisenyi as well as in Bukavu and Cyangugu;

8. We commit to refrain from any negative propaganda against each other.

9. **The Government of the Democratic Republic of the Congo commits to**:

(a) Prepare, by 1 December 2007, a detailed plan to disarm and address the threat posed by the ex-FAR/Interahamwe. MONUC will be requested to provide support to the planning and subsequent implementation consistent with its mandate and capacities. The plan will be shared with the Rwandan Government by 1 December 2007;

(b) Launch military operations, as a matter of urgency, to dismantle the ex-FAR/Interahamwe as a genocidal military organization in the DRC. Such operations should be simultaneously conducted with operations to dismantle illegal armed groups in North and South Kivu;

(c) Identify and commit the necessary resources to implement the military components of the plan;

(d) The plan shall include the following elements:

(i) Reactivation and streamlining, in parallel with military pressure, existing efforts to sensitize ex-FAR/Interahamwe elements to disarm and repatriate to Rwanda;

(ii) Temporary relocation of disarmed ex-FAR/Interahamwe elements to reception centres/cantonment sites in the DRC; registration by MONUC under the existing DDRRR procedures and repatriation of those who choose to return to Rwanda;

(iii) With the help of relevant international organizations, moving of the disarmed ex-FAR/Interahamwe who do not wish to return to Rwanda and who are not wanted for genocide by Rwandan justice or the International Criminal Tribunal for Rwanda (ICTR), away from the border until their condition is normalized;

(iv) Arrest and handing over to the ICTR and Rwanda of those indicted for crimes of genocide, crimes against humanity or war crimes;

(e) Refrain from statements in support of any armed group in the DRC;

(f) Publicize the contents of this joint communiqué.

10. **The Government of the Republic of Rwanda commits to**:

(a) Take all necessary measures to seal its border to prevent the entry into or exit from its territory of members of any armed group, renegade militia leaders, Nkunda's group in particular, and prevent any form of support — military, material or human — being provided to any armed group in the DRC;

(b) Share with the Government of the DRC and MONUC a list of wanted *génocidaires* (all categories);

(c) Refrain from statements in support of any armed group in the DRC;

(d) Encourage, through appropriate programmes, ex-FAR/ Interahamwe members and their dependents to return home and facilitate their effective socio-economic reintegration;

(e) Publicize the contents of this joint communiqué.

11. **The Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda agree to**:

(a) Establish strict border controls and prevent illicit cross-border movement of combatants or recruits, arms, military material, food or medical support for any armed groups;

(b) Refrain from aiding and abetting (arming, facilitating movement, allowing recruitment, financing, providing sanctuary, etc.) any armed group;

(c) Call upon all Congolese associated with the ex-FAR/ Interahamwe to leave the group immediately and definitely; disarmed combatants that are found to be Congolese or are eligible to become Congolese in accordance with relevant national legislation, shall not be subject to repatriation; these will be registered, and a list identifying them will be shared with the Government of Rwanda;

(d) Cooperate in bringing to justice those accused of having committed war crimes, crimes against humanity and genocide;

(e) Commit to take all necessary measures to encourage and enable refugees to return home;

(f) Commit to actively support and facilitate the provision of humanitarian assistance to civilians in need, irrespective of political and ethnic affiliation;

(g) Undertake to minimize the negative impact of the agreed operations against the ex-FAR/Interahamwe on civilian populations and take measures to ensure the protection of civilians, as well as compliance of their forces with international humanitarian and human rights law;

(h) Commit to continuously share intelligence on the implementation of these actions through the existing bilateral mechanism.

12. **The Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda call upon the international partners witnessing this communiqué, and other partners the two signatories to this communiqué may agree on:**

(a) To mobilize support to help implement the commitments expressed in this communiqué;

(b) To actively support the protection of civilians and the provision of humanitarian assistance to IDPs, refugees and those in need.

13. MONUC will protect civilians, in accordance with its mandate, against the negative impact of operations against the ex-FAR/Interahamwe and monitor compliance with recognized standards of international humanitarian and human rights law.

14. The signatories of this communiqué urge the Security Council to pass a resolution establishing sanctions against the ex-FAR/Interahamwe and call upon all Member States to prevent all fund-raising, mobilization or propaganda activities of the ex-FAR/Interahamwe.

15. The United Nations, the African Union, the European Union, the United States, South Africa and other partners the two signatories to this communiqué may agree on, together with representatives of the two parties, shall be invited to facilitate and monitor the implementation of this agreement.

Nairobi, 9 November 2007

For the Government of the Democratic Republic of the Congo
(*Signed*) Antipas **Mbusa Nyamwisi**
State Minister for Foreign Affairs

For the Government of the Republic of Rwanda
(*Signed*) Charles **Murigande**
Minister for Foreign Affairs

For the United Nations
(*Signed*) Haile **Menkerios**
Assistant Secretary-General for Political Affairs

For the European Union
(*Signed*) Roeland **van de Geer**
Special Representative for the Great Lakes Region

For the United States of America
(*Signed*) Timothy **Shortley**
Senior Adviser to the Assistant Secretary, Jendayi Frazer,
for Conflict Resolution
Department of State